

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WEDRIA LONG, #187751

Case No. 09-11021

Plaintiff,

v.

DISTRICT JUDGE
ARTHUR J. TARNOW

ANNAE SANDERS, *et al.*,

MAGISTRATE JUDGE
R. STEVEN WHALEN

Defendants.

ORDER

**ADOPTING REPORT AND RECOMMENDATION [51],
GRANTING IN PART AND DENYING IN PART
DEFENDANTS SANDERS, STOVALL-HILL AND MUZZIN'S
MOTION FOR SUMMARY JUDGMENT [40],**
and
DISMISSING DEFENDANTS SANDERS AND STOVALL-HILL

Before the Court is the Magistrate Judge's Report and Recommendation [51], filed on June 17, 2010, regarding Defendants Sanders, Stovall-Hill and Muzzin's Motion for Summary Judgment [40]. The Magistrate Judge recommends that Defendants' Motion be granted in part and denied in part. The parties have filed no objections to the Report and Recommendation.

There having been no objections, the Court being fully advised in the premises, and for the reasons stated in the Report and Recommendation [51],

IT IS HEREBY ORDERED that the Report and Recommendation [51] is **ADOPTED**.

Accordingly, Defendants' Motion [40] is **GRANTED IN PART AND DENIED IN PART**, as follows:

IT IS ORDERED that Defendants' Motion [40] is **GRANTED** as to the Fourteenth Amendment Equal Protection claims stated against Defendants Sanders, Stovall-Hill and Muzzin.

IT IS FURTHER ORDERED that Defendants' Motion [40] is **GRANTED** as to all other claims insofar as they name Defendants Sanders, Stovall-Hill and Muzzin in their official capacities.

IT IS FURTHER ORDERED that Defendants' Motion [40] is **GRANTED** as to the Eighth Amendment claims stated against Defendants Sanders and Stovall-Hill.

IT IS FURTHER ORDERED that Defendants' Motion [40] is **DENIED** as to the individual-capacity Eighth Amendment claim stated against Defendant Muzzin. On that claim, Defendant Muzzin is not entitled to qualified immunity.

Thus, the individual-capacity Eighth Amendment claim stated against Defendant Muzzin is the sole claim to survive Defendants' Motion for Summary Judgment [40]. Accordingly,

IT IS ORDERED that Defendants Sanders and Stovall-Hill are **DISMISSED** from this action.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
Senior United States District Judge

Dated: July 15, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 15, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager